

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEISHA MAISHEA WATT

Plaintiff,

Case No. 12-cv-14430

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION** (document no. 13), **DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT** (document no. 8), **GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT** (document no. 12), **AND DISMISSING CASE**

The Social Security Administration ("SSA") denied Plaintiff and claimant Keisha Watt's application for supplemental security income in a decision issued by Administrative Law Judge ("ALJ") John Murdock on April 15, 2011. See ALJ Decision, ECF No. 6-2, at 8. After the SSA Appeals Council declined to review the decision, Watt appealed to this Court. The Court referred the matter to a magistrate judge, and the parties filed cross motions for summary judgment. See Mots. for Summ. J., ECF Nos. 8, 12.

On October 7, 2013, the Magistrate Judge issued a Report and Recommendation ("Report") suggesting that the Court deny Watt's motion and grant the Commissioner for Social Security's ("Commissioner") motion. Report, ECF No. 13. When considering Watt's application, the ALJ found that Watt suffered from severe obstructive sleep apnea, asthma, back pain, and obesity. ALJ Decision 3. But, when applying the five-step disability analysis, the ALJ found that none of these impairments met or equaled a listing in the social security regulations, and that Watt retained a residual functional capacity to perform sedentary work except with no exposure to fumes, odors, gases, or hazards such as machinery or heights.

*Id.* at 3-4. Consequently, the ALJ determined a significant number of jobs existed in the national economy that Watt could perform and denied her application. *Id.* at 7-8.

The Report discussed Watt's complaint and motion for summary judgment, noting that she did not set forth facts or arguments that would lead the Magistrate Judge to conclude that the ALJ's decision was not supported by sufficient evidence. Report 8. The Magistrate Judge also carefully examined the administrative record, and concluded that the ALJ's decision was supported by substantial evidence. *Id.* In addition, the Report addressed Watt's argument that the hypothetical question posed to the Vocational Expert during the ALJ's deliberations did not adequately account for her limitations. *Id.* at 6-8. The Report concluded that this argument was based on her subjective complaints and the hypothetical question was sufficient to support the Vocational Expert's findings. *Id.* Accordingly, the Report suggested dismissing the case. *Id.* at 9.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation "de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard").

Because neither the plaintiff nor defendant filed objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, grant the Commissioner's motion for summary judgment, and dismiss the case.

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (document no. 13) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Plaintiff's Motion for Summary Judgment (document no. 8) is **DENIED**.

**IT IS FURTHER ORDERED** that the Defendant's Motion for Summary Judgment (document no. 12) is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: October 25, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 25, 2013, by electronic and/or ordinary mail.

s/Caryl Cohron  
Case Manager